HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 15474 of 2007

Between:

M. Shekhar & others

… Petitioners

And

The State of A.P.,
Rep. by its Principal Secretary,
Municipal Administration & Urban Development
Department, Hyderabad & others

… Respondents

:: O R D E R ::

Counsel for the petitioners : Shri Vijay Kumar Heroor

Counsel for respondent No.4 : Shri P. Radha Krishna

August 13, 2007

Per G.S. Singhvi, CJ

In this petition, the petitioners, six of whom are Ward Members of Antharam Gram Panchayat, one is an agriculturist and resident of Antharam and the remaining three are residents of Kandanelli Tanda, Tandur Mandal, Ranga Reddy District, have prayed grant of a declaration that the allotment of land in Survey No.58/1 measuring Ac.6.00 situated in Antharam Village for dumping of garbage by Tandur Municipality is illegal. They have further prayed for restraining the officers and officials of Tandur Municipality from dumping garbage in Survey No.58/1.

In the affidavit filed by him, petitioner No.7 – M. Srinivas has averred that the district administration has allotted land in Survey

No.58/1 to Tandur Municipality for dumping of garbage without taking into consideration the fact that the site is very near the water tank of the village and if the garbage is dumped by Tandur Municipality, the water will get polluted. He has referred to the unanimous resolution passed by the Gram Panchayat against allotment of land to Tandur Municipality for dumping the garbage and pleaded that if the municipal authorities are allowed to dump the garbage in Survey No.58/1, the people will suffer irreparable loss.

In the reply affidavit filed by him, Shri S. Suresh Rao, Commissioner, Tandur Municipality has averred that the District Collector had allotted the disputed site to Tandur Municipality for construction of compost yard and work in that connection has already been approved. According to Shri S. Suresh Rao, the water tank is about 200 metres away from the dumping yard and the municipality will take necessary measures to divert the rain water. It has been further averred that the waste is being dumped in naturally formed pits and the rain water will not flow in the tank. He has discounted the possibility of pollution of water by making the following assertions:

> 12. It is respectfully submitted that the petitioners herein filed additional set of material papers and photographs along with an affidavit dt.31.7.2007. I have gone through the photographs along with the annexed Map and Village map. The photograph which was filed as material paper 10 wherein it is clearly visible to the naked eye that this respondent Municipality is dumping the garbage in naturally found pits. The photograph which was filed in material paper 11 is taken in a very height position at least 100' from the ground level to show that the tank is very nearer to the dumping yard. The 1st photograph at page No.10 and the 3rd photograph at page 12 are taken from the ground level and the water tank in question is not visible in the said photographs. The 2nd photograph which was filed at page 11 obviously taken for the purpose to establish that the water tank is nearer to the dumping yard. In fact the distance between the water tank and the dumping yard is nearly about 275 to 300 meters. It is respectfully submitted that in the plan filed at material papers page 13 they have shown that the Peddacheruvu and the present

compost dumping yard is 150 meters is incorrect and the plan is totally false. The length between the Peddacheruvu and compost dumping yard is at a distance of 275 to 300 meters.

13. It is respectfully submitted that the Government has already granted Rs.28 lakhs for construction of compost yard and the same will be completed within a span of 6 to 8 months as the amounts were already released by the Government and Council also passed resolution to take up the work of construction of compost yard."

We have heard Shri Vijay Kumar Heroor, learned counsel for the petitioners, Shri P. Radha Krishna, learned counsel for respondent No.4 and perused the record including the photographs filed by the petitioners.

Shri P. Radha Krishna, learned counsel for respondent No.4, on the basis of instructions given to him by Shri S. Suresh Rao, Commissioner, Tandur Municipality, stated that the construction work of compost yard has already been undertaken and the same will be completed within a period of three months from today and, immediately thereafter, dumping of garbage at the disputed site will be stopped.

In view of the statement made by the learned counsel, we do not consider it necessary to issue directions in terms of the prayer made in the writ petition, but give liberty to the writ petitioners to file miscellaneous petition if the garbage dumped at the present site gets mixed up with the water in the tank during the rainy season.

The writ petition is disposed of in the manner indicated above.

As a sequel to disposal of the writ petition, W.P.M.P.No. 19564 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

August 13, 2007

C.V. NAGARJUNA REDDY, J

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